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T-027 P.007/008 F-058

D-21,385
U.S. Serial No. 10/724,105

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REMARKS

Entry of the foregoing, and consideration of the subject matter identified in caption, as amended, and in light of the remarks which follow are respectfully requested.

By the above amendments, claim 8 has been revised to make it dependent on claim 1, as this claim is generic. Thus, in complete response to the Official Action issued January 21, 2005, Applicants respectfully elect, with traverse, the invention of claims 1 to 13, drawn to a method of forming sputtering targets.

M.P.E.P. §803 states that an application may be properly restricted to one or more claimed inventions only if (1) the inventions are independent or distinct as claimed, and (2) there is a serious burden on the Examiner if restriction is not required. Thus, even if appropriate reasons exist for requiring restriction, such a requirement should not be made unless there is an undue burden on the Examiner to examine all of the claims in a single application.

Although the Examiner has alleged different classifications for the inventions for Groups I and II, it would seem that search and examination involved for both groups of invention would substantially overlap. For example, the elected sputter targets, involve a ferromagnetic sputter targets with a uniform magnetic leakage flux. It would seem that some overlap would exist with examination of the method of forming the sputter targets of the non-elected invention. Because of the apparent overlapping examination, a serious burden

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would not be imposed on the Examiner to examine all of the claims in a single application, and restriction is improper.

If there are any questions concerning this paper, or the application in general, the Examiner is invited to telephone the undersigned at his or her earliest convenience.

Respectfully submitted,



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Date: February 8, 2005

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